

ARNOLD & PORTER LLP



David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

March 13, 2006

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Conf. No. 6701
Art Unit: 1631
Examiner: M.A. Moran

Re: U.S. Patent Application Serial No. 09/267,199 filed March 12, 1999
Inventors: Barkur G. BHAT *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated
with the Tocopherol Pathway
Atty. Dkt.: 16517.233 (38-21(15092)B/US)

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Request for Entry of Amendment and Withdrawal of Improper Holding of Abandonment;
2. Copy of Amendment filed January 6, 2006;
3. Copy of Express Abandonment filed January 17, 2006; and
4. Return postcard.

In the event that extensions of time are necessary to prevent abandonment of this patent application prior to resolution of the Request for Entry of Amendment and Withdrawal of Improper Holding of Abandonment, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.233.

Sincerely,

David R. Marsh (Reg. No. 41,408)
(by Thomas E. Holsten, Reg. No. 46,098)

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Barkur G. BHAT *et al.*

Appln. No.: 09/267,199

Filed: March 12, 1999

For: Nucleic Acid Molecules and Other Molecules Associated with the Tocopherol Pathway



Confirmation No.: 6701

Art Unit: 1631

Examiner: Marjorie A. Moran

Atty. Docket: 16517.233

Express Abandonment Under 37 C.F.R. § 1.138(a)

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

Applicants request that U.S. Application Serial No. 09/267,199 be expressly abandoned under 37 C.F.R. § 1.138(a) upon entry of the Amendment filed January 6, 2006.

Applicants note that a continuation application based on the above-identified application was filed on January 11, 2006.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application.

Respectfully submitted,

David R. Marsh, Reg. No. 41,408
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
Tel: 202-942-5000
Fax: 202-942-5999

Filed: January 17, 2006

Correspondence Address:
MONSANTO COMPANY
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis MO 63167
(314) 694-3602 telephone
(314) 694-1671 facsimile

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.

David R. Marsh (Reg. No. 41,408)

January 17, 2006
Date

ARNOLD & PORTER LLP



January 6, 2006

Thomas E. Holsten
Thomas.Holsten@aporter.com

202.942.5085
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Re: U.S. Patent Application No. 09/267,199
Filed: March 12, 1999
Title: Nucleic Acid Molecules and Other Molecules
Associated with the Tocopherol Pathway
Applicants: Barkur G. BHAT *et al.*
Atty. Docket: 16517.233/38-21(15092)B/US

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Amendment; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the filing date of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 16517.233. A duplicate copy of this letter is attached.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Attachments

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Barkur G. BHAT *et al.*

Appln. No.: 09/267,199

Filed: March 12, 1999

Confirmation No.: 6701

Art Unit: 1631

Examiner: Marjorie A. Moran

Atty. Docket: 16517.233

For: Nucleic Acid Molecules and Other Molecules Associated with the Tocopherol Pathway



**Request for Entry of Amendment and
Withdrawal of Improper Holding of Abandonment**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On January 6, 2006, Applicants filed an Amendment in the above-identified application that updated the "Cross-Reference to Related Application" section of the specification. On January 17, 2006, Applicants filed a conditional Express Abandonment specifically stating that the Express Abandonment was desired to occur "upon entry of the Amendment filed January 6, 2006." Copies of both of these documents are enclosed.

As can be seen from the Express Abandonment, Applicants' clearly requested abandonment of the above-identified application only upon entry of the January 6, 2006 Amendment. As such, Applicants respectfully request that the Amendment filed January 6, 2006, be entered and that notification of entry of the Amendment be forwarded to the undersigned. In addition, applicants respectfully request that the Notice of Abandonment mailed February 16, 2006, be withdrawn. Upon receipt of the notification of entry of the January 6, 2006 Amendment, Applicants will resubmit the conditional Express Abandonment filed January 17, 2006.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application.

Respectfully submitted,

David R. Marsh
by *Thomas E. Holsten*

Filed: March 13, 2006

Correspondence Address:
MONSANTO COMPANY
800 N. Lindbergh Blvd.
Mailzone E2NA
St. Louis MO 63167
(314) 694-3602 telephone
(314) 694-1671 facsimile

David R. Marsh, Reg. No. 41,408
(by Thomas E. Holsten, Reg. No. 46,098)
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
Tel: 202-942-5000
Fax: 202-942-5999